POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORK

Objective:

The Sexual Harassment Act has been enacted with the objective of providing women protection against sexual harassment at the workplace and for the prevention and redressal of complaints of sexual harassment. Sexual harassment is considered as a violation of the fundamental right of a woman to equality as guaranteed under Articles 14 and 15 of the Constitution of India ("Constitution") and her right to life and to live with dignity as per Article 21 of the Constitution. It has also been considered as a violation of a right to practice or to carry out any occupation, trade or business under Article 19(1)(g) of the Constitution, which includes a right to a safe environment free from harassment.

The definition of sexual harassment in the Sexual Harassment Act is in line with the Supreme Court's definition in the Vishaka Judgment and includes any unwelcome sexually determined behaviour (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours, sexually coloured remarks, showing pornography, or any other unwelcome physical verbal or non-verbal conduct of sexual nature.

The Sexual Harassment Act stipulates that a woman shall not be subjected to sexual harassment at any workplace. As per the statute, presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or creating an intimidating or offensive or hostile work environment; or humiliating treatment likely to affect the lady employee's health or safety may amount to sexual harassment.

1. Importance of this Policy

1.1. At Delphi-TVS Technologies Limited, it is our desire to promote a healthy and congenial working environment irrespective of gender, caste, creed or social class of the employees. We value every individual and are committed to protect the dignity and respect of every individual. Therefore, we have zero-tolerance for sexual harassment and any act of sexual harassment will invite serious disciplinary action. This policy is meant to educate the employees about what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the unlikely chance of such an occurrence, to enable a fair mechanism for dealing with such conduct.

1.2. This policy is made under the overall ambit of the DTVS Code of Conduct and The Sexual Harassment at Work Place (Prevention, Prohibition, Redressal) Act 2013.

2. Scope and Applicability

2.1. DTVS Policy is gender neutral and cover all the employees of DTVS of all locations

2.2. Sexual Harassment of any nature will be treated as a misconduct of service rules and unlawful, irrespective of who is involved in the behaviour.

2.3. The policy will be applicable to all workplaces as defined by the Act and is not restricted to DTVS premises only but also applicable to wherever employees have occasion to interact with each other may include, for example, company vehicles, third party premises, offsite meetings and office parties at external venues or any other forum which may be defined as extended workplace by the Management.

Note: DTVS holds the sole prerogative to decide whether or not to cover an incident within the framework of this policy or provide assistance to the aggrieved as it deems fit.

2.4 It covers harassment of women by men, or men by women or between the same sexes.

2.5 Harassment is unlawful irrespective of who is involved in the behaviour.

3. What constitutes Sexual Harassment?

3.1 Sexual Harassment as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

a. Physical contact and advances
b. A demand or request for sexual favours.
c. Sexually coloured remarks.
d. Showing pornography or
e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

If the following circumstances exist in relation to any behaviour, that is, if any act is done under the following circumstances that would also count as sexual harassment:

a. The submission to the conduct is made a condition of employment
b. The submission to, or rejection of the conduct is used as the basis for an employment decision;
c. There is any explicit promise of preferential treatment, detrimental treatment, threat
d. Any humiliating treatment that may affect a person's sense of health or safety while at work
e. The conduct creates or could create or lead to an offensive, intimidating or hostile working environment or could interfere with individual's work performance
f. Implied or explicit threat of detrimental treatment in employment
g. Implied or explicit threat about present or future employment status

A more elaborate list of indicative behaviours that constitute sexual harassment is enclosed in **Annexure A.**

3.3 Additionally, DTVS holds the right to prohibit any conduct that may reasonably be interpreted as harassment whether or not such conduct is pervasive and severe enough to meet the technically legal requirement of harassment.

Note: It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues / cases.

Additionally, ignorance of any aspect of this policy will not be a defence during an enquiry on the matter.

4. Internal Complaints Committee- ICC (Anti-Sexual Harassment Committee)

Every complaint received shall be forwarded to the ICC formed under the manual of redressal. The investigation shall be carried out by ICC constituted for this purpose.

ICC has been constituted of the following members as nominated by the Company:

a. A woman employee at a senior position amongst the employees shall act as Presiding Officer of the committee.
b. Not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
c. One member shall be from amongst Non – governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least half of the total members of the committee have to be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nominations as may be specified by the employer.

5. Complaint Redressal Mechanism:

Any aggrieved person may make, in writing, a complaint of sexual harassment to the committee giving details of the sexual harassment meted out to her/him within a period of one year from the date of incident.

5.1. The Presiding Officer or any Member of the ICC can render reasonable assistance to the aggrieved person for making complaint in writing, in case the he/she is unable to do so.

5.2. In case the aggrieved person communicates verbally to his/her Section Head, HR Manager, or any other employee about any incident/s, they are encouraged to forward the complaint in writing to the ICC. A complainant may also email the complaint to: posh@delphitvs.com

5.3. Names of the members of the Internal Complaints Committee is displayed on DTVS notice boards.
The format for the complaint is provided in **Annexure B**.

5.4. Anonymous complaints are generally discouraged as details of people involved are essential to the formal investigation process.

5.5. On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow the principle of Natural Justice while handling such complaints.

5.6. Where the aggrieved person is unable to make a complaint on account of their physical (or) mental incapacity, the following parties can help writing a complaint with the prior consent of the individual.

- Relative / friend
- Co worker
- An officer of National commission for women / State Women's commission.
- Special Educator
- Qualified Psychiatrist / Psychologist.

- Guardian
- Any person who has knowledge of the incident (only with the written consent of the aggrieved person).

5.7. ICC on receipt of such written complaint, may, if required ask the aggrieved person to furnish additional information about the alleged harassment.

The complainant or person authorized on his/her behalf as per above provision, shall make a complaint to the ICC through the following mode:

i) On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.
ii) Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
iii) ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as and when necessary.
iv) ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without giving sufficient cause
v) ICC must complete its investigation within a period 90 day from date of receipt.
vi) The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
vii) For conducting the enquiry, the quorum of the ICC shall be 3 members including the Presiding Officer.

5.8. The ICC may before be initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:
a) Monetary settlement will not be made as a basis of conciliation.
b) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove no further enquiry shall be conducted by the ICC.

5.9. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
a) to transfer the aggrieved person or the respondent to any other workplace;
b) to grant leave to the aggrieved person of up to three weeks which is in addition to leave to which she is otherwise entitled. provided, the aggrieved person has to tender justified reason for such transfer or leave, such us threat to work in the workplace.

5.10. The Committee maintains a Register of the Complaints received and the final conclusion of the investigation. The Register must be kept in lock & key and must make available on the demand of the Management or if ask by some of the Government Authority.

6. Action:

6.1 If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

6.2 If the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:

i) Take action for sexual harassment as a misconduct.

ii) To tender written apology to the complainant, issue warning, withholding of promotions /increments of the Respondent, terminating the Respondent.

iii) To deduct from salary / wages of the respondent or issue direction to consider appropriate to be paid to the payment; such sum as it may al heirs, as it may determine. aggrieved person.

7. Protection against retaliation

7.1 Retaliation is a serious violation of this policy and any person found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary procedures even if the original complaint is not proven.

7.2 DTVS forbids any form of retaliation against anyone who has reported a suspected episode of harassment or has cooperated in any investigation involving a reported case.

7.3 If anyone feels that he/she is experiencing retaliation of the nature of intimidation, pressure to withdraw the case or threats for reporting, testifying or otherwise participating in the proceedings, should report the matter to the ICC. As with complaints of harassment, this too will be treated as a misconduct and DTVS will take appropriate action to prevent / rectify the retaliation.

8. Appeals and Alternate Legal Remedies

8.1 An employee who feels that his/her complaint or a retaliation complaint did not receive prompt and fair response/resolution may contact Ethics Committee.

8.2 Additionally, nothing in this policy shall prevent the aggrieved person or the respondent from pursuing formal legal remedies or resolution through Govt. agencies or the courts of law of the country.

9. Malafide complaint

9.1. If after inquiry, it is found that the complaint was raised with a malafide intent, the company can treat such malafide complaint as a major misconduct and decide on appropriate disciplinary action against the person concerned including termination of services. Lack of evidence to support complaint does not indicate a malafide intention.

9.2. If the Committee found the complaint false, away from the truth and vague then the Committee members shall instruct & warn the complainant not to repeat the same. However, the respondent may file a complaint against the complainant for damages of his/her moral turpitude.

9.3. Wrongful allegations and breaching confidentiality in this regard will be viewed seriously at DTVS.

10. Aggrieved person / witnesses / supporters not to be penalized.

If a complaint of harassment is dismissed by the ICC under this policy, and proved that it was not made with any malicious intent no action whatsoever may be taken in regard to the same against the aggrieved person / witnesses/ supporters.

11. Confidentiality

DTVS will exercise utmost care in ensuring confidentiality of the process, protection of the victim / harassed and treat the entire process with dignity and merit it deserves.

12. Consensual Sexual Relationships

DTVS discourages sexual relationships between a member of Management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person), because such relationships tend to create compromising conflicts of interest of work.

13. Duties of the Employer (Delphi TVS):

13.1 Provide a safe working environment at the workplace.

13.2 Display at any conspicuous place in the workplace, the composition, contact details of Internal Committee including the penal consequences of sexual harassments

13.3 Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;

13.4 Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;

13.5 Monitor the timely submission of reports by the Internal Committee.

14. General

1.1 All employees in DTVS have a responsibility in contributing to a mature and respectful work environment. With this in view, DTVS shall undertake all reasonable measures to educate its employees on the provision of the Act and organize regular training and sensitization sessions about the policy among its employees. The coverage and frequency of these session will be as decided by Management of Delphi TVS

1.2 All employees are personally responsible for their actions and must ensure that their behaviour does not constitute sexual harassment whether it happens deliberately or otherwise.

1.3 DTVS reserves the right to modify and amend the provisions of this policy, so as to comply with applicable legal requirements, internal policies, or with a view to

finetune or alter the provisions of this Policy to the extent deemed necessary from time to time.

1.4 This Policy shall be applicable and will be in addition to and not in derogation of the provision of any other policy and service rules for the time being in force within the Organisation.

Through various training and awareness sessions, DTVS will make employees aware of their roles and responsibilities in implementation of this policy.

Note: DO NOT publicize an alleged harassment without following the reporting procedure. Any breach of confidentiality will be treated as a separate misconduct. Any questions / clarifications you may have in this regard can be raised with your HR Manager.

Annexure A

Behaviours that constitute Sexual Harassment

Harassment includes unwelcome words, acts or displays.

Any behaviour that falls in this list or has the same impact as any of these, on an employee, will invite appropriate disciplinary action including separation from the organization.

Verbal harassment includes:

- Any taunting snide remarks based on sex (including pregnancy, childbirth or related medical condition), sexual orientation, gender identity, marital status or personal appearance,
- Using abusive and offensive language or comments that put down people because of their sex or sexual orientation, phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees.
- Sexual messages, test, or images which may be perceived by the recipient as creating a hostile work environment.
- Suggesting or insisting that someone wear revealing clothing,
- Intrusive questions about sexual activity, Tales of sexual exploits, comments about people's (women / men) bodies or intruding on the privacy of an employee,
- Repeated requests for sexual favours, sexual advances or repeated pressure for dates and social contact especially when person invited has refused /ignored similar invitations.
- Sexually suggestive comments, sexually coloured propositions, insults or threats.
- Telling lewd jokes about sex or sexual orientation.
- Singing or humming vulgar songs, ballads or words.

Nonverbal harassment includes:

- Graphic descriptions of pornography including graffiti in the office premises.
- Displaying of books, photographs, paintings, films, pamphlets, packages, etc. containing 'indecent representation of women/men', or

- Material that is sexual in nature, sexist, sexually explicit is displayed in the workplace, circulated, or put in someone's workplace or belongings, or on a computer or fax machine or on the internet or any other public display system or public in the work premises.
- Offensive gestures, staring, leering or whistling with the intention to insult or discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by an employee.
- Sounds, gestures, or display of offensive books, pictures, cartoons, magazines, calendars; or derogatory written materials at one's desk or workplace.
- Suggestive letters, phone calls, electronic instant messaging or e-mail messages.

Physical harassment includes:

- Intentional touching of the body, e.g. Unwelcome hugs, kisses, brushing, pinching, patting etc.
- "Accidentally "brushing sexual parts of the body,
- Any displays of affection which can make others uncomfortable or are inappropriate at the workplace even if the recipient welcomes it.
- Indecent exposure or coerced sexual intercourse.
- Use of technology to induce different remote sensations on the body including, but not limited to pain and sexual stimulation,
- Sexual assault or using criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty.

Annexure B

FORM FOR COMPLAINT

Date: _____

Name, Designation & Address

Of victim(s) / aggrieved : _____

Name, Designation & Address

Of respondent(s) : _____

Complaint:

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Signature:

Date: